

REMARKS

This application has been carefully reviewed in light of the Office Action dated July 18, 2008. Claims 1, 3 to 8, 10 to 14, 100, 101, and 103 are in the application, with Claims 1, 5, 8, 12, 100 and 101 being independent. Reconsideration and further examination are respectfully requested.

Applicants wish to thank the Examiner for the courtesies extended to Applicants' undersigned representative during a telephone interview conducted on July 9, 2008. During the interview, the Examiner tentatively agreed to withdraw the rejections set forth in the previous Office Action.

In the instant Office Action, Claims 1, 3, 4, 6 to 8, 10, 11, 13, 14, 100, and 103 were rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2005/0060198 (Bayne) in view of U.S. Publication No. 2001/0051787 (Haller); Claims 5 and 12 were rejected under 35 U.S.C. § 103(a) over Bayne in view of Haller and further in view of U.S. Patent No. 5,363,842 (Mishelevich); and Claim 101 was rejected under 35 U.S.C. § 103(a) over Bayne in view of Haller and Mishelevich, and further in view of U.S. Patent No. 5,894,841 (Voges). The rejections are respectfully traversed.

Claims 1, 5, 8, and 12 recite, *inter alia*, (i) a portable terminal carried or arranged to be carried by a patient, and (ii) an emergency notification switch for causing said portable terminal to enter an emergency notification mode.

Claims 100 and 101 recite, *inter alia*, receiving, from a portable terminal through a network, patient information stored in the portable terminal and an emergency notification for causing said portable terminal to enter an emergency notification mode.

The Office Action concedes that Bayne does not disclose or suggest the above-discussed features. Yet, placing reliance on Haller, and using a teaching-suggestion-motivation rationale, the Office Action asserts that the invention would nevertheless have been obvious. Applicants respectfully disagree.

Applicants respectfully submit that there has been no showing of any indication of motivation in the cited documents that would lead one skilled in the art to arrive at the above-discussed feature.

In any event, Applicants respectfully submit that Haller is not available as prior art by virtue of its January 18, 2001 filing date. That date is after the November 30, 2000 foreign priority date of the subject application. Applicants intend to file a sworn translation of at least one of the foreign priority applications shortly. Should the Examiner take up action on this case before receiving such a sworn translation, she is respectfully requested to contact Applicants' undersigned attorney at the below-listed number.

Haller is available as prior art by virtue of the filing date of Application No. 09/348,506, of which Haller is a continuation-in-part, on July 7, 1999. In addition, Haller is available as prior art by virtue of the filing date of its provisional application, on January 18, 2000. However, Applicants respectfully submit that the technology relied upon by the Examiner is not disclosed in either the '506 application or the provisional application.

In this regard, Applicants respectfully submit that the provisional application merely describes that a healthcare provider goes on-line via PC or mobile and alters implant parameters when a patient's implant needs attention. See Method Flow Chart at last page of the provisional application.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from the independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

No other matters being raised, the entire application is believed to be fully in condition for allowance, and such action is courteously solicited.

No fees are believed due; however, should it be determined that additional fees are required, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our Costa Mesa, California, office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

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